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C O N F I D E N T I A L SECTION 01 OF 02 QUITO 002929

SIPDIS

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SUBJECT: PRESIDENT GUTIERREZ CONFIDENT IN FACE OF
IMPEACHMENT THREAT

REF: QUITO 2900

Classified By: DCM Arnold Chacon for reason 1.4 (b&d)

1. (C) Summary: The GoE reacted calmly to the initiation of impeachment proceedings against President Gutierrez by Congress on November 4. The Ambassador spoke with President Gutierrez by telephone on November 4 and on the margins of an unrelated event on November 5. Gutierrez thanked the USG for our efforts in support of democratic stability and when pressed by the Ambassador had no further request for USG action. He said there was no justification for charges against him, and expressed confidence that the pro-impeachment opposition would fail in its attempt to oust him. He had every intention of staying the course, and not letting impeachment proceedings distract him from governing. The Ambassador also spoke on November 4 with Defense Minister Herrera, who said the President was in good spirits during a Cabinet meeting earlier that day, and that the military would respect Constitutional rights and Congressional prerogatives. End Summary.

GoE Reacts Calmly

2. (U) President Gutierrez and other GoE officials took the news of impeachment proceedings calmly and reacted cautiously. Minister of Government Baca told reporters that the President was not required under the Constitution to attend impeachment hearings, should they occur, and seemed critical of Foreign Minister Zuquilanda for requesting Rio Group mediation. Economy Minister Yopez commented that a prolonged conflict with Congress could put at risk reforms needed to promote economic growth. VP Palacios was nowhere to be seen, skipping a Cabinet meeting without public explanation.

3. (C) The Ambassador called Minister of Defense Nelson Herrera shortly after the impeachment event took place in Congress. Herrera said the President was in good spirits during a Cabinet meeting earlier that day which focused on "national issues" rather than impeachment. He expressed concern that the impeachment debate had turned personal between Gutierrez and Febres-Cordero. The Ambassador also discussed impeachment on November 5 with Finance Minister Yopez and other Cabinet members (SepTel).

4. (C) The Ambassador spoke later on November 4 by telephone and on November 5 on the margins of an unrelated public event with President Gutierrez, who denied any justification for charges of misuse of public funds and proceeded to denounce Febres-Cordero's motives. He thanked the Ambassador for USG efforts to support democratic stability. The Ambassador expressed regret that the impeachment process had turned personal with Febres-Cordero, and concern that political conflict could undermine economic stability. Gutierrez said he would fight off baseless impeachment charges, saying he was convinced he was in the right. Asked by the Ambassador if there was anything we could do to help, Gutierrez had no requests.

5. (SBU) Gutierrez used the occasion of the Ambassador's call to congratulate the United States for its successful election and President Bush for his re-election. The Ambassador emphasized the gracious victory and concession speeches and joint calls by both candidates for national unity. Gutierrez said he had drafted a letter of congratulations to President Bush (Quito 2927). After the Ambassador noted that Senator Kerry would remain an influential leader in the U.S. Senate, Gutierrez said he might send a letter to Kerry as well.

Comment

6. (C) The GoE appears confident it has the votes to stave off impeachment and has not requested USG assistance to help it do so. For our part, we will continue to reach out to the GoE and both the pro and anti-impeachment opposition forces to encourage fuller consideration of the consequences of political instability. We will also review and suggest opportunities to reinforce our stability message in coming weeks.

Additional Procedural Background

17. (U) On November 4, three major parties and one minor party submitted 50 (not 52, as previously reported) Congressional signatures in favor of initiating impeachment proceedings against President Gutierrez on various grounds (see below). President of Congress Landazuri formally accepted the request and said he would propose the approval by the plenary of a Special Committee comprised of representatives from all parties with 10 or more seats in Congress. A simple majority of a quorum (51 members) is required to approve the special committee, which would have five days to issue an opinion. If conformed, the committee is expected to issue majority and minority reports, one of which will recommend impeachment proceedings.

18. (C) PSC Congress member Luis Fernando Torres told PolOffs on November 5 that despite believing impeachment to be a mistake, he hoped to become the PSC representative on the special commission. However, he said it is not clear that the pro-impeachment forces will have the simple majority of the quorum to assure the creation of the special commission, since some signers are wavering. Due to the closeness of the vote, he said, the PSC was forced to accept separate grounds for impeachment from each party. Torres provided us a copy of the documents presented to Landazuri, which call for impeachment under article 130 of the Constitution, on the following grounds:

-- PSC (25 signatures, plus one ex-PRIAN independent): for embezzlement, "for having arbitrarily spent funds, resources and public property in favor of PSP candidates of his party;"

-- ID (14 signatures): for embezzlement, "for allowing the State Bank to give non-reimbursable loans to private institutions... and for the use of public funds of the Solidarity Fund... for abandoning his responsibilities to participate in the promotion of PSP candidates...for importing posters and electoral propaganda from Mexico for the 2002 presidential campaign, resulting in his fraudulent election;"

-- Pachakutik (8 signatures): for violation of national security, for suggesting publicly that the people might "burn down the courts;"

-- MPD (3 signatures): for "betraying the motherland"...by favoring interests of foreign companies which benefit from oil fields in production...taking advantage of state resources for personal use and abandoning his responsibilities for his party...violating national security by involving our country in Plan Colombia...violating national sovereignty by permitting the sinking of Ecuadorian fishing vessels."

KENNEY